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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Proceedings of the workshop on the impact of the application of unilateral coercive measures on the enjoyment of human rights by the affected populations, in particular their socioeconomic impact on women and children, in the States targeted

Report of the Office of the United Nations High Commissioner for Human Rights*

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I. Introduction

1. The present report is submitted in accordance with Human Rights Council resolution 24/14, in which the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to organize a workshop on the impact of the application of unilateral coercive measures on the enjoyment of human rights by the affected populations, in particular their socioeconomic impact on women and children, in the States targeted, and to prepare a report on the proceedings of the workshop and to submit it to the Human Rights Council at its twenty-seventh session.

II. Organization of the workshop

2. The workshop was held on 23 May 2014 in Geneva. It was chaired and moderated by Vera Gowland-Debbas, Emeritus Professor of International Law at the Graduate Institute of International and Development Studies in Geneva. The workshop comprised an opening session and three subsequent thematic sessions: session I, on assessing the impact of unilateral coercive measures on human rights, in particular of women and children; session II, on mechanisms to assess and mitigate the adverse impact of unilateral coercive measures and ensure accountability; and session III, on contemporary unilateral coercive measures: learning lessons from the past to develop basic principles to redress adverse impacts. During the thematic sessions, nine panellists made presentations; each thematic set of panel presentations was followed by an interactive dialogue. The workshop also included a presentation by the Human Rights Council Advisory Committee on its forthcoming research-based report on mechanisms to assess the negative impact of unilateral coercive measures on the enjoyment of human rights and to promote accountability, the preparation of which was requested by the Council in its resolution 24/14.

3. The objectives of the workshop were to provide a platform for the exchange of views among States, academic and civil society experts, and human rights mechanisms on the impact of unilateral coercive measures on human rights, especially of women and children; to follow up on the recommendations of the previous workshop, held in 2013, and contribute to the current efforts of the Human Rights Council Advisory Committee to identify mechanisms to assess and mitigate the adverse impact of unilateral coercive measures and ensure accountability; and to share experiences of contemporary unilateral coercive measures and learn lessons from the past as a first step towards developing basic principles and guidelines to redress the adverse impacts of unilateral coercive measures.

III. Opening session

4. In opening the workshop, the Chair noted a progressive limitation of the freedom of States to resort to unilateral measures since the adoption of the Charter of the United Nations. In its resolution 2625 (XXV), the General Assembly considered that the use of coercive measures in order to obtain from a State the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind violated the principle of non-intervention. However, under the customary international law of State responsibility, codified by the International Law Commission, countermeasures which would otherwise constitute illegal measures were justified if taken by a State injured by an internationally wrongful act of another State, provided they complied with certain conditions and limitations. Those conditions included the principle of proportionality, respect for obligations for the protection of fundamental human rights and respect for obligations of a humanitarian character, as well as peremptory norms of general international law. The

Chair recalled that the disproportionate and indiscriminate human costs of comprehensive sanctions, most prominently the effects on the civilian population of the decade-long sanctions against Iraq, had accelerated the trend towards "smart" sanctions targeted against individuals (such as government leaders), particular commodities (such as arms) or services (such as asset freezes). Those in turn had generated their own human rights problems, and the lack of due process mechanisms for the Al-Qaida sanctions list of the Security Council, imposing asset freezes and other targeted measures against terrorist suspects, had resulted in challenges before domestic and regional courts. She noted that the 2005 World Summit Outcome, while recognizing the utility of sanctions as a tool to maintain international peace and security, stressed that there should be regular monitoring and review by the Security Council to ensure accountability for the way in which sanctions were implemented, and that such measures could now be challenged before an ombudsperson. The Chair stated that it would be paradoxical if the trend towards constraints on collective measures were not accompanied by similar constraints and accountability in respect of unilateral coercive measures, to prevent harmful effects on populations.

5. On behalf of OHCHR, the Chief of the Development and Economic and Social Issues Branch delivered welcoming remarks. He noted that unilateral coercive measures had potential impact on all three pillars of the United Nations: peace and security, development and human rights. In its thematic report submitted to the Human Rights Council in 2012, OHCHR had stressed that such measures must be subject to stringent conditions as to their duration and their proportionality to the legitimate and lawful aim sought, and must include explicit human rights safeguards, including monitoring by independent expert. The workshop provided an opportunity for an exchange of views on the forms that such safeguards and monitoring mechanisms should take. He reminded participants that no State should ever impose measures against another that were in breach of its human rights or humanitarian law obligations under treaty or customary international law, and that States which were subject to unilateral coercive measures remained duty bearers obligated to respect, protect and fulfil the human rights of all persons under their jurisdiction. In conclusion, he noted the political nature of unilateral coercive measures, which were generally resorted to when diplomatic relations between the States concerned had become hostile or had broken off altogether, and encouraged participants to focus not on politics but rather on the very real effects of such measures on human rights.

6. Subsequently, the Chair opened the floor for general statements. Representatives of the Islamic Republic of Iran (on behalf of the Non-Aligned Movement), Qatar, Belarus, the Russian Federation, Myanmar, Cuba, Zimbabwe, the Sudan and Pakistan took the floor, followed by the Independent Expert on the promotion of a democratic and equitable international order, Alfred-Maurice de Zayas, and representatives of the Organization for Defending Victims of Violence, the Hawa Society for Women and the Indian Council of South America (CISA). Several participants stated that unilateral coercive measures constituted violations of the Charter of the United Nations, international humanitarian law and international human rights law. Speakers highlighted in particular negative impacts on the rights to health, to an adequate standard of living, to food, to education, to work and to housing, as well as on the right to development. A number of participants proposed that the Human Rights Council should create a special procedure on unilateral coercive measures, and that a monitoring body within the United Nations system should ensure accountability for such measures.

IV. Session I. Assessing the impact of unilateral coercive measures on human rights, in particular of women and children

7. The panellists were Haifa Zangana, a novelist, artist and journalist, Mohamed Younis, Senior Analyst for the Middle East and North Africa at Gallup, and Dursun Peksen, Assistant Professor of Political Science at the University of Memphis. The Chair noted that panellists would address the impacts of both unilateral measures and collective measures, as their impact on civilian populations was not dependent on the distinction in their legal bases.

8. Ms. Zangana presented the effects on Iraqi life of the economic sanctions imposed pursuant to Security Council resolution 661 (1990). She noted that many Iraqis referred to the 12 years and 8 months of sanctions as the "siege", and that the wide-ranging effect of sanctions and the importance of family in Iraqi society made it difficult to separate specific impacts on women and children from those on society as a whole. She detailed the effects on the economy following the collapse of the dinar to less than 1 per cent of its value in 1990, which led to an acute deterioration of living conditions, severely straining the social fabric. Ms. Zangana highlighted particular effects on the right to life, citing estimates by the United Nations Children's Fund (UNICEF) that the first five years of sanctions had resulted in the deaths of half a million Iraqi children under the age of 5. She noted the shortages of medicines and specific effects on the right to health of women, including increases in the incidence of miscarriages, cancer, anaemia, diabetes, depression and other conditions. People had reduced their visits to friends or relatives due to their shame at being unable to offer hospitality, a deep-rooted tradition in Iraqi society. The right to education had been severely affected by poverty, which forced children into work; restrictions on the import of educational materials; and the struggle to secure basic daily needs.

9. Mr. Younis presented some results of the Gallup World Poll from Egypt, the Islamic Republic of Iran and Ukraine. The World Poll included a measure of well-being which asked individuals to rate their lives currently and their prospects in five years on a scale of 1 to 10. Those rating 4 or lower on both were defined as "suffering", while those rating their current lives as 7 and above and future lives as 8 and above were defined as "thriving". In the Islamic Republic of Iran, the suffering rate had increased drastically during the period of sanctions, while the thriving rate had remained relatively stable. In 2013, the Islamic Republic of Iran had the eighth highest rate of suffering in the Middle East and Central Asia region.

10. Mr. Younis also presented the results of a survey of Iranians on the impact of sanctions, and their views thereon. Between 2011 and 2013, the proportion of respondents that considered that the sanctions of the United Nations, the United States of America and Western Europe would hurt the livelihood of Iranians a great deal had almost doubled. According to the survey, men were the most satisfied with the efforts of the Government to deal with the poor (men 62 per cent, women 55 per cent). Households with children were suffering more than households with no children. Households with children were more exposed to a lack of money to buy food and provide adequate housing. Women were more likely than men to express the view that their own personal livelihoods, as well as those of Iranians in general, were hurt a great deal by the sanctions. Almost half of the Iranians surveyed in 2012 and 2013 held the United States most responsible for the sanctions, compared to around 10 per cent who felt that the Government of the Islamic Republic of Iran was most responsible; a large majority of both men (68 per cent) and women (62 per cent) were of the view that the Islamic Republic of Iran should continue to develop its nuclear power capabilities despite the sanctions.

11. Mr. Younis pointed out that the results of the surveys sparked questions about what was accomplished through sanctions, and challenged the assumption that sanctions would be able to reverse a situation.

12. Mr. Peksen noted that his research showed that, in most cases, economic sanctions were more likely to fail in their purpose than to achieve the intended results. They tended to be ineffective, counterproductive and detrimental to basic freedoms and rights. Targeted elites were generally able to evade their effects, doing whatever they could to resist the pressure and maintain credibility, often leading to higher levels of oppression to maintain power, with disproportionate impacts on vulnerable groups, children, women and minorities. Economic sanctions often reduced women's level of labour participation, as women were often involved in export-oriented industries, such as textiles and the assembly of electronic devices. Sanctions could also cause more violence against women, as growing frustration and feelings of injustice led to a rise in crime in targeted countries, including assault and rape. Examples included Cuba, Haiti and Iraq. Sanctions failed to affect elites or to promote reform in the targeted State, but also had effects on neighbouring countries, which might suffer economically from the reduction in trade or see an influx of refugees or an increase in levels of violence. Negative spillover effects could have a regional impact. Mr. Peksen concluded that blunt economic measures were not useful, and suggested a focus instead on types of smart sanctions that could reduce military expenditure support and more directly target leaders.

13. The Chair welcomed the presentations by the panellists and referred to further examples demonstrating the harmful effects of sanctions, including the effects on third parties, such as Jordan, of sanctions against Iraq, and the way in which the relevant sanctions committee of the Security Council had interpreted the humanitarian exceptions, refusing for example to allow Cuba to export baby food to occupied Kuwait. She proposed that the General Assembly should request special reports from the Security Council, in accordance with the Charter of the United Nations, on its adoption of sanctions and their impact.

14. In the ensuing interactive dialogue, Denis Halliday, former United Nations Humanitarian Coordinator in Iraq; a representative of the Hawa Society for Women; Obiora Okafor, Professor, Osgoode Hall Law School and member of the Human Rights Council Advisory Committee; and a representative of the Institut international pour la paix, la justice et les droits de l'homme took the floor. Several speakers questioned whether it was possible to make a distinction between different types of sanctions, and in particular whether smart sanctions were superior. A number of speakers drew attention to the sanctions against the Sudan, stating that those had negative effects on the realization of the Millennium Development Goals and human rights, including the rights to health, to an adequate standard of living and to education.

15. Responding to questions and points raised, Mr. Peksen said that sanctions were sometimes used for symbolic purposes, which could be useful, but that there was no significant evidence that smart sanctions were better than others. He suggested that perhaps travel bans should be imposed and the wealth of leaders should be targeted. Mr. Younis stated that it was difficult to assess the impact of smart sanctions globally, but surveys similar to that conducted in the Islamic Republic of Iran could be carried out elsewhere. Ms. Zangana stated that the question of sanctions was a fundamentally moral one about who was entitled to impose them and affect the access of others to water, food and health care. She questioned their long-term impacts on how people saw one another and built future dialogue.

16. Summing up session 1, the Chair highlighted the relationship between the legality and effectiveness of unilateral coercive measures. The legal basis of sanctions imposed outside the auspices of the Security Council once the latter had taken measures against a

targeted entity should be questioned and it could be argued that the Security Council should have exclusive competence in such a situation. She proposed that sanctions could remain symbolic, and stated that they should in all cases be equitable and not only effective, and should be accompanied by dialogue, mediation and negotiation.

V. Session II. Mechanisms to assess and mitigate the adverse impact of unilateral coercive measures and ensure accountability

17. The panellists were Antonios Tzanakopoulos, Associate Professor of Public International Law at the University of Oxford, Susanne Kühn, Head of the Public Sector Integrity Programme at Transparency International, and Obiora Okafor, Professor at Osgoode Hall Law School and member of the Human Rights Council Advisory Committee.

18. Mr. Tzanakopoulos defined a unilateral coercive measure as a measure that was in the first instance unlawful under international law, but whose wrongfulness was precluded owing to the fact that it was taken by a State that had been injured by an internationally wrongful act against the State that bore responsibility for that act. All unilateral coercive measures must respect the principle of proportionality. In that connection, measures adversely affecting human rights would likely be disproportionate, as they would have effects that were not commensurate with the injury suffered by the reacting State. However, it would be difficult to establish a direct relation between the unilateral coercive measure and the adverse effect on the enjoyment of human rights.

19. Examining potential avenues for legal accountability for unilateral coercive measures, Mr. Tzanakopoulos considered both diplomatic and adjudicatory means of dispute resolution. He noted that any imbalance in the relative power of the States party to the dispute might hamper progress, so the best protection for a weak State targeted by unilateral coercive measures that it considered unlawful would be adjudication. However, judicial settlement was premised on the consent of all parties to the dispute, which might be difficult to obtain in practice if the State implementing the unilateral coercive measures had not previously indicated consent through unilateral declarations or compromissory clauses in bilateral or multilateral treaties. It was further premised on the willingness of the targeted State to challenge unilateral coercive measures; members of the population suffering the adverse impact had no direct say in the matter. A final possibility would be for third States to argue that disproportionate unilateral coercive measures affecting human rights constituted a breach of an obligation *erga omnes*, which would allow them in turn to impose coercive measures on the State imposing the disproportionate measures. That would assume solidarity rarely seen in the international community, and so he considered that the best mechanism to mitigate the adverse human rights impacts of unilateral coercive measures might be to mobilize public opinion against such measures. That had been done effectively in the case of United Nations sanctions imposed under Chapter VII of the Charter of the United Nations, and had resulted in the creation of a hard monitoring mechanism, at least with respect to one sanctions regime (the creation of the Office of the Ombudsperson in accordance with Security Council resolutions 1904 (2009) and 1989 (2011)). The creation of a similar, perhaps softer, monitoring mechanism might be an option in the case of unilateral coercive measures, but Mr. Tzanakopoulos noted that all attempts to subject such measures to hard monitoring had been abandoned by the International Law Commission during its work on the articles on responsibility of States for internationally wrongful acts.

20. Ms. Kühn addressed the potential positive role that targeted unilateral coercive measures might play in the fight against corruption and impunity. She noted that corrupt

public officials often embezzled funds, which were then transferred abroad. Targeted sanctions against corrupt officials, in particular politically exposed persons, could help to close loopholes, combat corruption and end impunity. Such measures could include denial of entry, which, unlike a travel ban, was normally within the jurisdiction of States. In its anti-corruption action plan adopted in 2010, the Group of 20 urged its members to adopt ad hoc denial-of-entry policies, legal frameworks and enforcement measures, and to cooperate in that area. A lack of publicly available information made it difficult to monitor and hold Governments to account for proper implementation, and the compliance rate among G-20 countries was low. Another tool which might put corrupt officials under pressure was the temporary freezing of economic resources to prevent their use and transfer. That would require greater transparency and information sharing in banking, as well as procedural guarantees against abuse. In conclusion, Ms. Kühn stated that targeted measures could be a powerful tool against corrupt individuals that might avoid the negative human rights impacts of other unilateral coercive measures. She pointed to the need for common standards and objective criteria for targeted unilateral coercive measures, the need to respect proportionality, and the need for adequate procedural guarantees and the highest degree of transparency to ensure their fair and effective implementation.

21. Mr. Okafor considered which of the existing international human rights mechanisms could be most appropriate for mitigating the adverse effects of unilateral coercive measures on the enjoyment of human rights. He identified six factors which should be taken into account in that analysis: the challenge of territoriality and jurisdictionally limited obligations; the need to ensure accountability; access to independent evidence; financial and administrative efficiency; the need to secure and deploy the most appropriate technical expertise; and the reduction of politicization. He noted that the mandate of treaty-based bodies to examine the human rights obligations of a State was generally limited to the territory and jurisdiction of the State under consideration. He suggested that a Charter-based body might be better placed to examine unilateral coercive measures, which by their very nature had extraterritorial effects. Extraterritorial issues might be taken into account in the universal periodic review process, and that mechanism might also meet the identified requirements of financial and administrative efficiency and accountability. However, those Member States conducting the review would not normally have robust access to direct, independent evidence or the flexibility to select and deploy the best available technical expertise. Were the Human Rights Council to decide to appoint a special rapporteur on the issue, that person would have direct access to evidence through country visits, as well as information from civil society organizations. Furthermore, the universal periodic review involved a significantly more political process than the work of a special rapporteur. Mr. Okafor therefore strongly recommended the creation of a dedicated special procedure for the assessment and/or mitigation of the adverse effects of unilateral coercive measures on the enjoyment of human rights.

22. The Chair welcomed the rigorous approach of the panellists, and remarked on some positive trends to overcome some of the identified jurisdictional challenges, including recognition by the International Court of Justice of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as an *erga omnes partes* convention, meaning that any State party could make a claim regarding non-compliance by another State party. She pointed out that many targeted sanctions were not to be seen as mere administrative measures, but were punitive in nature without the accompanying due process guarantees.

23. During the interactive dialogue, interventions were made by representatives of the Indian Council of South America, the Bolivarian Republic of Venezuela, the Hawa Society for Women and the Organization for Defending Victims of Violence, and by Mr. de Zayas. Several speakers highlighted the impact of unilateral coercive measures on the right to self-

determination and the right to development, and some supported the call for the creation of a new special procedure on the human rights impact of unilateral coercive measures.

24. Responding to a question about the determination of responsibility for the human rights impacts of unilateral coercive measures, Mr. Tzanakopoulos explained that such a determination depended on showing causality, but that both the State imposing coercive measures and the State targeted could be legally responsible for violations where causality was established. Regarding the creation of an international mechanism to determine the legality of unilateral coercive measures, Mr. Tzanakopoulos reiterated that it was unrealistic due to differing views among Member States. He noted that a strategy of division might not have a useful outcome, and could lead to an unstable and politicized mechanism. Ms. Kühn highlighted the role of civil society and the media in holding international organizations to account and, in response to a point made by the Chair, noted that the legitimacy of the G-20 to impose targeted sanctions was questionable. Mr. Okafor agreed with one speaker that the dominant media had not fulfilled their role of informing the public about the action of Governments on sanctions. He noted that many mechanisms became "instruments of the powerful", and that of the five permanent members of the Security Council, only the United Kingdom of Great Britain and Northern Ireland currently accepted the compulsory jurisdiction of the International Court of Justice.

VI. Session III. Contemporary unilateral coercive measures: learning lessons from the past to develop basic principles to redress adverse impacts

25. The panellists were Ingrid Macdonald, Geneva Director of the Norwegian Refugee Council, Denis Halliday, former United Nations Humanitarian Coordinator in Iraq, and Sarah Zaidi, consultant, former Executive Director of the International Treatment Preparedness Coalition and co-founder of the Center for Economic and Social Rights.

26. Ms. Macdonald discussed the impact of counter-terrorism policies, including sanction regimes, on the operation of humanitarian organizations, referring to the 2013 Study on the Impact of Donor Counter-Terrorism Measures on Principled Humanitarian Action commissioned by the Norwegian Refugee Council and the Office for the Coordination of Humanitarian Affairs. She noted that Member States were the architects of international law, and that the Geneva Conventions and a number of Security Council and General Assembly resolutions acknowledged the primacy and principles of humanitarian action. However, there was often a contradiction between those principles and the application of counter-terrorism measures, including sanctions. Some States prohibited support to anyone associated with terrorists, but it was beyond the mandate of humanitarian organizations to determine whether individuals were, for example, family members or neighbours of terrorists. Such organizations might also need to engage with terrorist organizations to ensure their own security. Another contradiction was that, in accordance with Security Council resolution 1612 (2005), the protection of children should be enhanced, but organizations that provided training on the non-recruitment of child soldiers might be criminally liable under "zero tolerance" counter-terrorism policies.

27. Ms. Macdonald further noted that unilateral coercive measures might prevent humanitarian organizations from making financial transfers to States where they work, citing the examples of the Islamic Republic of Iran, Somalia and the Sudan. Exemptions often took too long to obtain in circumstances of urgent humanitarian need, and banks were increasingly unwilling to take the risk of allowing any transfer to States targeted by coercive measures. That also affected the ability of individuals to transfer remittances, which often provided a vital lifeline for vulnerable populations.

28. In conclusion, Ms. Macdonald noted the need for a broad-based humanitarian exemption under sanctions regimes to allow humanitarian organizations to continue to function effectively on the ground, and narrower definitions of concepts such as "material support" to terrorists, so that they did not prevent humanitarian organizations from fulfilling their mandate to provide support to the population.

29. Mr. Halliday welcomed the focus of the discussions on accountability, noting that he could not recall the Security Council ever being held accountable for the consequences of its decisions under Chapter VII, Articles 41 and 42, of the Charter. He considered that it was unrealistic to expect States to respect basic principles in implementing unilateral coercive measures when the Security Council itself did not respect the purposes and principles set out in Articles 1 and 2 of the Charter when it imposed sanctions. Mr. Halliday therefore proposed a revised and binding Article 41 compatible with those purposes and principles, with time limitations, effective monitoring and rigid accountability provisions.

30. With regard to unilateral coercive measures, Mr. Halliday considered that there should be nothing less than complete cessation of them, as all such measures violated the Charter. However, as unilateral coercive measures would be hard to stop in practice, he proposed close monitoring by the Human Rights Council, with quarterly reporting to the General Assembly or a revitalized and operational International Court of Justice. Accountability could be ensured through devices such as suspension of United Nations membership, loss of General Assembly voting rights, payment of reparations and payment of compensation to individuals. Mr. Halliday suggested that positive rather than punitive intervention might, however, be more productive, with increased United Nations capability to anticipate bilateral problems, tensions and actions before coercive measures were begun, and early dispute resolution assistance made available to States involved in disputes. He stated that true accountability could be ensured only through a reformed, more democratic Security Council, with full global and North/South representation.

31. In conclusion, Mr. Halliday noted that few, if any, States appeared to win either when imposing or as a target of multilateral or unilateral coercive measures, and that non-violent recognition, support, cooperation, and commitment to the letter and spirit of the Charter might prove to be more rewarding.

32. Ms. Zaidi, participating by video message, examined the recent history of the use of sanctions, noting that prior to 1990, the Security Council had imposed sanctions only twice, against the former Rhodesia and South Africa, but between 1990 and 2000, they had become a favoured coercive measure as an alternative to military intervention and had been imposed 13 times. Drawing from her experience in assessing, analysing and critiquing the negative humanitarian impacts of various sanctions regimes, she stated that if sanctions were not designed with human rights principles in mind from the outset, subsequent attempts to mitigate their humanitarian effects would be minor and insignificant, amounting to a form of greenwashing that served to obscure the harmful policies behind the sanctions. She gave examples of the human toll of comprehensive trade sanctions in Iraq; the improvement of social conditions in the Islamic Republic of Iran under comprehensive unilateral sanctions which had then worsened following the imposition of multilateral sanctions; public pressure to implement "smart" sanctions to reduce negative humanitarian and human rights effects; and the broader effect of current targeted sanctions on the economy of the Russian Federation. She noted that targeted sanctions, by definition, had narrower impacts, and as such were easier for policy elites to circumvent and thus were less effective from the perspective of the States imposing them.

33. Ms. Zaidi concluded that sanctions were war by another means, analogous to siege and blockade. Damage to the national economy on which the population depended for health and welfare was used by States imposing unilateral coercive measures to force a change in government behaviour. She said that smart sanctions would always be preferable to

comprehensive sanctions in terms of humanitarian impact. However, even under smart sanctions as they were currently imposed, vulnerable populations paid the highest price, while policy elites were least affected. Humanitarian practitioners had the best access to research and data on the impact of sanctions. They should therefore advocate for a political and legal understanding that the rights and well-being of civilians and vulnerable populations could not be sacrificed because their governments were in conflict with powerful States or multilateral institutions. As human rights principles applied to all sanctions regimes, there should always be: (a) clear legal exemptions and expedited processes for humanitarian goods, including food, medicines, medical inputs and equipment and educational resources; (b) fast-tracking of licences for humanitarian goods, with streamlined financial and administrative procedures, especially for medicines for the chronically ill; (c) protection for whistle-blowers who report on the misuse of humanitarian funds; and (d) ongoing mechanisms to monitor and evaluate the humanitarian impact of sanctions.

34. Ms. Zaidi noted that war was a terrible, quintessentially human horror which should be avoided altogether or waged with great reluctance as a very last resort, and stated that it was long overdue for sanctions to be considered in the same light.

35. During the ensuing interactive dialogue, representatives of Qatar and the Hawa Society for Women took the floor. The speakers called for greater attention to fundamental human rights principles, and drew attention to the negative effects of sanctions on vulnerable groups.

36. Responding to comments, Ms. Macdonald gave the example of Somalia to illustrate the impact of sanctions on the civilian population, noting that the loss of US$ 1.3 million in remittances to support livelihoods was not being taken up by any donor. Further, she stated the necessity for humanitarian workers to be able to engage with all actors as required by their mission to deliver assistance, and the importance of their neutrality, whereas sanctions and counter-terrorism measures were essentially political. Mr. Halliday recalled the example of Iraq, where the banking sector had been crushed by sanctions. He urged Member States to give greater power to the Human Rights Council, which must monitor human rights violations associated with coercive measures.

VII. Presentation by the Human Rights Council Advisory Committee on its forthcoming research-based report on mechanisms to assess the negative impact of unilateral coercive measures on the enjoyment of human rights and to promote accountability

37. Jean Ziegler, a member of the Human Rights Council Advisory Committee, presented the Committee's work to prepare a research-based report on mechanisms to assess the negative impact of unilateral coercive measures on the enjoyment of human rights and to promote accountability, requested by the Human Rights Council in its resolution 24/14. In January 2014, the Committee had created a working group and online platform for that purpose, sent a questionnaire to the permanent missions in Geneva and other stakeholders, and selected case studies from Cuba, the Islamic Republic of Iran and Zimbabwe. The report was currently being prepared and would be submitted to the Human Rights Council for consideration at its twenty-eighth session. Mr. Ziegler expressed his disappointment that few States from the Western European and other States Group had submitted responses. He said that the initial responses received supported the view that sanctions caused violations of human rights and humanitarian law, and he proposed the creation of an international monitoring mechanism with the participation of international organizations, as well as a mechanism to provide compensation to victims.

VIII. Conclusions

38. **In summing up the discussions at the workshop, the Chair noted that there was a vast and complex web of unilateral coercive measures, which intersected with multilateral sanctions and those imposed by regional organizations. Some States that imposed unilateral coercive measures claimed to act in the name of the international community; in other instances Security Council sanctions were imposed in support of unilateral interests. The participants in the workshop had examined a wide range of impacts of coercive measures, from their impact on international humanitarian and human rights law, to their impact on the economy, on peace and security and on the social fabric of States. A number of panellists had questioned the purposes and effectiveness of unilateral coercive measures, whether imposed to react to prior violations by the targeted State, in response to terrorism, as an alternative to war or in the context of war. The Chair pointed to a need to redefine what was understood as the effectiveness of coercive measures in order to take human rights and humanitarian concerns into account.**

39. **The Chair summarized the discussions on ensuring accountability and humanitarian exceptions for unilateral coercive measures. She noted in particular the analysis of existing human rights mechanisms, and the call by some speakers for the creation of a special procedures mandate. She stressed the importance of public opinion and the need for populations to reflect on the accountability of their own Governments in States implementing unilateral coercive measures. In conclusion, she stated that it was necessary to move beyond tweaking sanctions to examine the place of sanctions in the current international setting. She noted deep-rooted problems and grievances within the international system, and the importance for the United Nations to give a voice to all members of the international community, in order to ensure multilateralism, mutual respect and the peaceful settlement of disputes.**

Annex

[English only]

List of participants

States Members of the Human Rights Council

Algeria, Argentina, Costa Rica, Cuba, Ethiopia, Germany, India, Indonesia, Pakistan, Russian Federation, South Africa, Venezuela (Bolivarian Republic of)

States Members of the United Nations

Albania, Angola, Belarus, Burundi, Cambodia, Colombia, Denmark, Egypt, Greece, Iran (Islamic Republic of), Jordan, Malaysia, Mali, Myanmar, Qatar, Serbia, Singapore, Spain, Sri Lanka, Sudan, Tunisia, Zimbabwe

Intergovernmental organizations

European Union, International Organization of la Francophonie, Non-Aligned Movement

Non-governmental organizations in consultative status with the Economic and Social Council

Action contre la faim, CIVICUS-World Alliance for Citizen Participation, Conectas Direitos Humanos, Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations (CONGO), Congregation of Our Lady of Charity of the Good Shepherd, Geneva for Human Rights-Global Training, Hawa Society for Women, Indian Council of South America (CISA), International Institute for Peace, Justice and Human-Rights (IIPJHR), International Network for the Prevention of Elder Abuse, Norwegian Refugee Council, Organization for Defending Victims of Violence, Transparency International

Independent experts and panellists

Vera Gowland-Debbas, Emeritus Professor of International Law, Graduate Institute of International Development Studies; Denis Halliday, former United Nations Humanitarian Coordinator in Iraq; Susanne Kühn, Head of the Public Sector Integrity Programme, Transparency International; Ingrid MacDonald, Geneva Director, Norwegian Refugee Council; Obiora Okafor, Professor, Osgoode Hall Law School and member of the Human Rights Council Advisory Committee; Dursun Peksen, Assistant Professor of Political Science, University of Memphis; Antonio Tzanakopoulos, Associate Professor of Public International Law, University of Oxford; Mohamed Younis, Senior Analyst, Middle East and North Africa, Gallup; Sarah Zaidi, consultant, former Executive Director, International Treatment Preparedness Coalition and co-founder, Center for Economic and Social Rights (via video message); Haifa Zangana, novelist, artist and journalist; Alfred-Maurice de Zayas, Independent Expert on the promotion of a democratic and equitable international order; Jean Ziegler, member of the Human Rights Council Advisory Committee